

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 45 be amended to read as follows:

- 1 Page 4, between lines 19 and 20, begin a new paragraph and insert:
- 2 "SECTION 4. IC 31-30-1-4, AS AMENDED BY P.L.151-2006,
- 3 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2007]: Sec. 4. (a) The juvenile court does not have jurisdiction
- 5 over an individual for an alleged violation of:
- 6 (1) IC 35-42-1-1 (murder);
- 7 (2) IC 35-42-3-2 (kidnapping);
- 8 (3) IC 35-42-4-1 (rape);
- 9 (4) IC 35-42-4-2 (criminal deviate conduct);
- 10 (5) IC 35-42-5-1 (robbery) if:
- 11 (A) the robbery was committed while armed with a deadly
- 12 weapon; or
- 13 (B) the robbery results in bodily injury or serious bodily
- 14 injury;
- 15 (6) IC 35-42-5-2 (carjacking);
- 16 (7) IC 35-45-9-3 (criminal gang activity);
- 17 (8) IC 35-45-9-4 (criminal gang intimidation);
- 18 (9) IC 35-47-2-1 (carrying a handgun without a license);
- 19 (10) IC 35-47-10 (children and firearms);
- 20 (11) IC 35-47-5-4.1 (dealing in a sawed-off shotgun); or
- 21 (12) any offense that may be joined under IC 35-34-1-9(a)(2) with
- 22 any crime listed in subdivisions (1) through (11);
- 23 if the individual was at least sixteen (16) years of age at the time of the
- 24 alleged violation.

(b) The juvenile court does not have jurisdiction for an alleged violation of manufacturing or dealing in cocaine or a narcotic drug (IC 35-48-4-1), dealing in methamphetamine (IC 35-48-4-1.1), dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2), or dealing in a schedule IV controlled substance (IC 35-48-4-3), if:

(1) the individual has a prior unrelated conviction under IC 35-48-4-1, IC 35-48-4-1.1, IC 35-48-4-2, or IC 35-48-4-3; or

(2) the individual has a prior unrelated juvenile adjudication that, if committed by an adult, would be a crime under IC 35-48-4-1, IC 35-48-4-1.1, IC 35-48-4-2, or IC 35-48-4-3;

and the individual was at least sixteen (16) years of age at the time of the alleged violation.

(c) The juvenile court does not have jurisdiction over an individual who is alleged to have committed murder (IC 35-42-1-1) if the individual is alleged to have committed the murder of a law enforcement officer under the circumstances described in IC 35-50-2-9.5(a).

~~(c)~~ **(d)** Once an individual described in subsection (a), ~~or~~ (b), **or** (c) has been charged with any crime listed in subsection (a), ~~or~~ (b), **or** (c), the court having adult criminal jurisdiction shall retain jurisdiction over the case even if the individual pleads guilty to or is convicted of a lesser included offense. A plea of guilty to or a conviction of a lesser included offense does not vest jurisdiction in the juvenile court.

SECTION 5. IC 33-40-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. The commission shall do the following:

(1) Make recommendations to the supreme court concerning standards for indigent defense services provided for defendants against whom the state has sought the death sentence under IC 35-50-2-9 **and IC 35-50-2-9.5**, including the following:

(A) Determining indigency and eligibility for legal representation.

(B) Selection and qualifications of attorneys to represent indigent defendants at public expense.

(C) Determining conflicts of interest.

(D) Investigative, clerical, and other support services necessary to provide adequate legal representation.

(2) Adopt guidelines and standards for indigent defense services under which the counties will be eligible for reimbursement under IC 33-40-6, including the following:

(A) Determining indigency and the eligibility for legal representation.

(B) The issuance and enforcement of orders requiring the defendant to pay for the costs of court appointed legal representation under IC 33-40-3.

(C) The use and expenditure of funds in the county

1 supplemental public defender services fund established under
2 IC 33-40-3-1.

3 (D) Qualifications of attorneys to represent indigent
4 defendants at public expense.

5 (E) Compensation rates for salaried, contractual, and assigned
6 counsel.

7 (F) Minimum and maximum caseloads of public defender
8 offices and contract attorneys.

9 (3) Make recommendations concerning the delivery of indigent
10 defense services in Indiana.

11 (4) Make an annual report to the governor, the general assembly,
12 and the supreme court on the operation of the public defense fund.

13 The report to the general assembly under subdivision (4) must be in an
14 electronic format under IC 5-14-6.

15 SECTION 6. IC 33-40-6-4 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) A county auditor
17 may submit on a quarterly basis a certified request to the public
18 defender commission for reimbursement from the public defense fund
19 for an amount equal to ~~fifty percent (50%)~~ **one hundred percent**
20 **(100%)** of the county's expenditures for indigent defense services
21 provided to a defendant against whom the death sentence is sought
22 under IC 35-50-2-9 **or IC 35-50-2-9.5**.

23 (b) A county auditor may submit on a quarterly basis a certified
24 request to the public defender commission for reimbursement from the
25 public defense fund for an amount equal to forty percent (40%) of the
26 county's expenditures for indigent defense services provided in all
27 noncapital cases except misdemeanors.

28 (c) A request under this section from a county described in
29 IC 33-40-7-1(3) may be limited to expenditures for indigent defense
30 services provided by a particular division of a court.

31 SECTION 7. IC 33-40-6-5 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) Except as
33 provided under section 6 of this chapter, upon certification by a county
34 auditor and a determination by the public defender commission that the
35 request is in compliance with the guidelines and standards set by the
36 commission, the commission shall quarterly authorize an amount of
37 reimbursement due the county:

38 (1) that is equal to ~~fifty percent (50%)~~ **one hundred percent**
39 **(100%)** of the county's certified expenditures for indigent defense
40 services provided for a defendant against whom the death
41 sentence is sought under IC 35-50-2-9 **or IC 35-50-2-9.5**; and
42 (2) that is equal to forty percent (40%) of the county's certified
43 expenditures for defense services provided in noncapital cases
44 except misdemeanors.

45 The division of state court administration shall then certify to the
46 auditor of state the amount of reimbursement owed to a county under

1 this chapter.

2 (b) Upon receiving certification from the division of state court
3 administration, the auditor of state shall issue a warrant to the treasurer
4 of state for disbursement to the county of the amount certified."

5 Page 5, between lines 30 and 31, begin a new paragraph and insert:

6 SECTION 9. IC 35-36-9-1 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. This chapter applies
8 when a defendant is charged with a murder for which the state seeks a
9 death sentence under IC 35-50-2-9 **or IC 35-50-2-9.5.**

10 SECTION 10. IC 35-36-9-6 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. If the court
12 determines that the defendant is a mentally retarded individual under
13 section 5 of this chapter, the part of the state's charging instrument filed
14 under ~~IC 35-50-2-9(a)~~ **IC 35-50-2-9 or IC 35-50-2-9.5** that seeks a
15 death sentence against the defendant shall be dismissed."

16 Page 10, between lines 21 and 22, begin a new paragraph and insert:

17 SECTION 17. IC 35-50-2-9, AS AMENDED BY P.L.1-2006,
18 SECTION 550, IS AMENDED TO READ AS FOLLOWS
19 [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) **Except as provided in**
20 **subsection (m), this section does not apply to a defendant described**
21 **in section 9.5 of this chapter.** The state may seek either a death
22 sentence or a sentence of life imprisonment without parole for murder
23 by alleging, on a page separate from the rest of the charging instrument,
24 the existence of at least one (1) of the aggravating circumstances listed
25 in subsection (b). In the sentencing hearing after a person is convicted
26 of murder, the state must prove beyond a reasonable doubt the
27 existence of at least one (1) of the aggravating circumstances alleged.
28 However, the state may not proceed against a defendant under this
29 section if a court determines at a pretrial hearing under IC 35-36-9 that
30 the defendant is a mentally retarded individual.

31 (b) The aggravating circumstances are as follows:

32 (1) The defendant committed the murder by intentionally killing
33 the victim while committing or attempting to commit any of the
34 following:

35 (A) Arson (IC 35-43-1-1).

36 (B) Burglary (IC 35-43-2-1).

37 (C) Child molesting (IC 35-42-4-3).

38 (D) Criminal deviate conduct (IC 35-42-4-2).

39 (E) Kidnapping (IC 35-42-3-2).

40 (F) Rape (IC 35-42-4-1).

41 (G) Robbery (IC 35-42-5-1).

42 (H) Carjacking (IC 35-42-5-2).

43 (I) Criminal gang activity (IC 35-45-9-3).

44 (J) Dealing in cocaine or a narcotic drug (IC 35-48-4-1).

45 (2) The defendant committed the murder by the unlawful
46 detonation of an explosive with intent to injure a person or

- 1 damage property.
- 2 (3) The defendant committed the murder by lying in wait.
- 3 (4) The defendant who committed the murder was hired to kill.
- 4 (5) The defendant committed the murder by hiring another person
- 5 to kill.
- 6 (6) The victim of the murder was a corrections employee,
- 7 probation officer, parole officer, community corrections worker,
- 8 home detention officer, fireman, ~~or judge or law enforcement~~
- 9 ~~officer~~ and either:
 - 10 (A) the victim was acting in the course of duty; or
 - 11 (B) the murder was motivated by an act the victim performed
 - 12 while acting in the course of duty.
- 13 (7) The defendant has been convicted of another murder.
- 14 (8) The defendant has committed another murder, at any time,
- 15 regardless of whether the defendant has been convicted of that
- 16 other murder.
- 17 (9) The defendant was:
 - 18 (A) under the custody of the department of correction;
 - 19 (B) under the custody of a county sheriff;
 - 20 (C) on probation after receiving a sentence for the commission
 - 21 of a felony; or
 - 22 (D) on parole;
- 23 at the time the murder was committed.
- 24 (10) The defendant dismembered the victim.
- 25 (11) The defendant burned, mutilated, or tortured the victim while
- 26 the victim was alive.
- 27 (12) The victim of the murder was less than twelve (12) years of
- 28 age.
- 29 (13) The victim was a victim of any of the following offenses for
- 30 which the defendant was convicted:
 - 31 (A) Battery as a Class D felony or as a Class C felony under
 - 32 IC 35-42-2-1.
 - 33 (B) Kidnapping (IC 35-42-3-2).
 - 34 (C) Criminal confinement (IC 35-42-3-3).
 - 35 (D) A sex crime under IC 35-42-4.
- 36 (14) The victim of the murder was listed by the state or known by
- 37 the defendant to be a witness against the defendant and the
- 38 defendant committed the murder with the intent to prevent the
- 39 person from testifying.
- 40 (15) The defendant committed the murder by intentionally
- 41 discharging a firearm (as defined in IC 35-47-1-5):
 - 42 (A) into an inhabited dwelling; or
 - 43 (B) from a vehicle.
- 44 (16) The victim of the murder was pregnant and the murder
- 45 resulted in the intentional killing of a fetus that has attained
- 46 viability (as defined in IC 16-18-2-365).

(c) The mitigating circumstances that may be considered under this section are as follows:

(1) The defendant has no significant history of prior criminal conduct.

(2) The defendant was under the influence of extreme mental or emotional disturbance when the murder was committed.

(3) The victim was a participant in or consented to the defendant's conduct.

(4) The defendant was an accomplice in a murder committed by another person, and the defendant's participation was relatively minor.

(5) The defendant acted under the substantial domination of another person.

(6) The defendant's capacity to appreciate the criminality of the defendant's conduct or to conform that conduct to the requirements of law was substantially impaired as a result of mental disease or defect or of intoxication.

(7) The defendant was less than eighteen (18) years of age at the time the murder was committed.

(8) Any other circumstances appropriate for consideration.

(d) If the defendant was convicted of murder in a jury trial, the jury shall reconvene for the sentencing hearing. If the trial was to the court, or the judgment was entered on a guilty plea, the court alone shall conduct the sentencing hearing. The jury or the court may consider all the evidence introduced at the trial stage of the proceedings, together with new evidence presented at the sentencing hearing. The court shall instruct the jury concerning the statutory penalties for murder and any other offenses for which the defendant was convicted, the potential for consecutive or concurrent sentencing, and the availability of good time credit and clemency. The court shall instruct the jury that, in order for the jury to recommend to the court that the death penalty or life imprisonment without parole should be imposed, the jury must find at least one (1) aggravating circumstance beyond a reasonable doubt as described in subsection (1) and shall provide a special verdict form for each aggravating circumstance alleged. The defendant may present any additional evidence relevant to:

(1) the aggravating circumstances alleged; or

(2) any of the mitigating circumstances listed in subsection (c).

(e) For a defendant sentenced after June 30, 2002, except as provided by IC 35-36-9, if the hearing is by jury, the jury shall recommend to the court whether the death penalty or life imprisonment without parole, or neither, should be imposed. The jury may recommend:

(1) the death penalty; or

(2) life imprisonment without parole;

only if it makes the findings described in subsection (1). If the jury

reaches a sentencing recommendation, the court shall sentence the defendant accordingly. After a court pronounces sentence, a representative of the victim's family and friends may present a statement regarding the impact of the crime on family and friends. The impact statement may be submitted in writing or given orally by the representative. The statement shall be given in the presence of the defendant.

(f) If a jury is unable to agree on a sentence recommendation after reasonable deliberations, the court shall discharge the jury and proceed as if the hearing had been to the court alone.

(g) If the hearing is to the court alone, except as provided by IC 35-36-9, the court shall:

(1) sentence the defendant to death; or

(2) impose a term of life imprisonment without parole; only if it makes the findings described in subsection (l).

(h) If a court sentences a defendant to death, the court shall order the defendant's execution to be carried out not later than one (1) year and one (1) day after the date the defendant was convicted. The supreme court has exclusive jurisdiction to stay the execution of a death sentence. If the supreme court stays the execution of a death sentence, the supreme court shall order a new date for the defendant's execution.

(i) If a person sentenced to death by a court files a petition for postconviction relief, the court, not later than ninety (90) days after the date the petition is filed, shall set a date to hold a hearing to consider the petition. If a court does not, within the ninety (90) day period, set the date to hold the hearing to consider the petition, the court's failure to set the hearing date is not a basis for additional postconviction relief. The attorney general shall answer the petition for postconviction relief on behalf of the state. At the request of the attorney general, a prosecuting attorney shall assist the attorney general. The court shall enter written findings of fact and conclusions of law concerning the petition not later than ninety (90) days after the date the hearing concludes. However, if the court determines that the petition is without merit, the court may dismiss the petition within ninety (90) days without conducting a hearing under this subsection.

(j) A death sentence is subject to automatic review by the supreme court. The review, which shall be heard under rules adopted by the supreme court, shall be given priority over all other cases. The supreme court's review must take into consideration all claims that the:

(1) conviction or sentence was in violation of the:

(A) Constitution of the State of Indiana; or

(B) Constitution of the United States;

(2) sentencing court was without jurisdiction to impose a sentence; and

(3) sentence:

(A) exceeds the maximum sentence authorized by law; or

(B) is otherwise erroneous.

If the supreme court cannot complete its review by the date set by the sentencing court for the defendant's execution under subsection (h), the supreme court shall stay the execution of the death sentence and set a new date to carry out the defendant's execution.

(k) A person who has been sentenced to death and who has completed state postconviction review proceedings may file a written petition with the supreme court seeking to present new evidence challenging the person's guilt or the appropriateness of the death sentence if the person serves notice on the attorney general. The supreme court shall determine, with or without a hearing, whether the person has presented previously undiscovered evidence that undermines confidence in the conviction or the death sentence. If necessary, the supreme court may remand the case to the trial court for an evidentiary hearing to consider the new evidence and its effect on the person's conviction and death sentence. The supreme court may not make a determination in the person's favor nor make a decision to remand the case to the trial court for an evidentiary hearing without first providing the attorney general with an opportunity to be heard on the matter.

(l) Before a sentence may be imposed under this section, the jury, in a proceeding under subsection (e), or the court, in a proceeding under subsection (g), must find that:

(1) the state has proved beyond a reasonable doubt that at least one (1) of the aggravating circumstances listed in subsection (b) exists; and

(2) any mitigating circumstances that exist are outweighed by the aggravating circumstance or circumstances.

(m) The state may proceed against a defendant who is alleged to have committed murder and at least one (1) aggravating circumstance described in section 9.5(a) of this chapter and in subsection (b). If the state proceeds against a defendant who is alleged to have committed murder and at least one (1) aggravating circumstance described in section 9.5(a) of this chapter and in subsection (b), the procedures described in:

(1) this section apply to the proceedings concerning the aggravating circumstances described in subsection (b); and

(2) section 9.5 of this chapter apply to the proceedings concerning the aggravating circumstances described in subsection (b).

Procedures described in this section and section 9.5 of this chapter shall be combined if they are not inconsistent with each other.

SECTION 18. IC 35-50-2-9.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 9.5. (a) If the prosecuting**

attorney has reason to believe that the defendant committed murder and the victim was a law enforcement officer:

- (1) acting in the line of duty (including an off duty officer who identified himself or herself as a law enforcement officer); or
- (2) whose murder was motivated by an act the law enforcement officer performed while acting in the course of duty;

the state shall seek either a death sentence or a sentence of life imprisonment without parole for murder by alleging the existence of one (1) or both of these aggravating circumstances on a page separate from the rest of the charging instrument. However, the state may not proceed against a defendant under this section if a court determines at a pretrial hearing under IC 35-36-9 that the defendant is a mentally retarded individual.

(b) If the defendant was convicted of murder in a jury trial, the jury shall reconvene for the sentencing hearing. If the trial was to the court, or the judgment was entered on a guilty plea, the court alone shall conduct the sentencing hearing. The jury or the court may consider all the evidence introduced at the trial stage of the proceedings, together with new evidence presented at the sentencing hearing. The court shall instruct the jury concerning the statutory penalties for murder and any other offenses for which the defendant was convicted, the potential for consecutive or concurrent sentencing, and the availability of good time credit and clemency. The court shall instruct the jury that, in order for the jury to recommend to the court that the death penalty or life imprisonment without parole should be imposed, the jury must find beyond a reasonable doubt the existence of at least one (1) of the aggravating circumstances described in subsection (a), and shall provide a special verdict form for these aggravating circumstances. The defendant may present any additional evidence relevant to:

- (1) the aggravating circumstances alleged; or
- (2) any of the mitigating circumstances listed in subsection (c).

(c) The mitigating circumstances that may be considered under this section are as follows:

- (1) The defendant has no significant history of prior criminal conduct.
- (2) The defendant was under the influence of extreme mental or emotional disturbance when the murder was committed.
- (3) The victim was a participant in or consented to the defendant's conduct.
- (4) The defendant was an accomplice in a murder committed by another person, and the defendant's participation was relatively minor.
- (5) The defendant acted under the substantial domination of another person.

(6) The defendant's capacity to appreciate the criminality of the defendant's conduct or to conform that conduct to the requirements of law was substantially impaired as a result of mental disease or defect or of intoxication.

(7) The defendant was less than eighteen (18) years of age at the time the murder was committed.

(8) Any other circumstances appropriate for consideration.

(d) Except as provided by IC 35-36-9, if the hearing is by jury, the jury shall recommend to the court whether the death penalty or life imprisonment without parole should be imposed. The jury may recommend:

(1) the death penalty; or

(2) life imprisonment without parole;

only if it makes the findings described in subsection (k). If the jury makes the findings described in subsection (k), the jury may not recommend that the defendant be sentenced to a term of years. If the state seeks a sentence of life imprisonment without parole and does not seek the death penalty, the jury shall recommend a sentence of life imprisonment without parole if it makes the findings described in subsection (k). If the jury reaches a sentencing recommendation, the court shall sentence the defendant accordingly. After a court pronounces sentence, a representative of the victim's family and friends may present a statement regarding the impact of the crime on family and friends. The impact statement may be submitted in writing or given orally by the representative. The statement shall be given in the presence of the defendant.

(e) If a jury is unable to agree on a sentence recommendation after reasonable deliberations, the court shall discharge the jury and proceed as if the hearing had been to the court alone.

(f) If the hearing is to the court alone, except as provided by IC 35-36-9, the court shall:

(1) sentence the defendant to death; or

(2) impose a term of life imprisonment without parole;

if it makes the findings described in subsection (k). If the court makes the findings described in subsection (k), the court may not sentence the defendant to a term of years. If the state seeks a sentence of life imprisonment without parole and does not seek the death penalty, the court shall impose a sentence of life imprisonment without parole if it makes the findings described in subsection (k).

(g) If a court sentences a defendant to death, the court shall order the defendant's execution to be carried out not later than one (1) year and one (1) day after the date the defendant was convicted. The supreme court has exclusive jurisdiction to stay the execution of a death sentence. If the supreme court stays the execution of a death sentence, the supreme court shall order a new date for the

1 defendant's execution.

2 (h) If a person sentenced to death by a court files a petition for
3 postconviction relief, the court, not later than ninety (90) days after
4 the date the petition is filed, shall set a date to hold a hearing to
5 consider the petition. If a court does not, within the ninety (90) day
6 period, set the date to hold the hearing to consider the petition, the
7 court's failure to set the hearing date is not a basis for additional
8 postconviction relief. The attorney general shall answer the
9 petition for postconviction relief on behalf of the state. At the
10 request of the attorney general, a prosecuting attorney shall assist
11 the attorney general. The court shall enter written findings of fact
12 and conclusions of law concerning the petition not later than ninety
13 (90) days after the date the hearing concludes. However, if the
14 court determines that the petition is without merit, the court may
15 dismiss the petition within ninety (90) days without conducting a
16 hearing under this subsection.

17 (i) A death sentence is subject to automatic review by the
18 supreme court. The review, which shall be heard under rules
19 adopted by the supreme court, shall be given priority over all other
20 cases. The supreme court's review must take into consideration all
21 claims that the:

- 22 (1) conviction or sentence was in violation of the:
 - 23 (A) Constitution of the State of Indiana; or
 - 24 (B) Constitution of the United States;
- 25 (2) sentencing court was without jurisdiction to impose a
26 sentence; and
- 27 (3) sentence:
 - 28 (A) exceeds the maximum sentence authorized by law; or
 - 29 (B) is otherwise erroneous.

30 If the supreme court cannot complete its review by the date set by
31 the sentencing court for the defendant's execution under subsection
32 (g), the supreme court shall stay the execution of the death sentence
33 and set a new date to carry out the defendant's execution.

34 (j) A person who has been sentenced to death and who has
35 completed state postconviction review proceedings may file a
36 written petition with the supreme court seeking to present new
37 evidence challenging the person's guilt or the appropriateness of
38 the death sentence if the person serves notice on the attorney
39 general. The supreme court shall determine, with or without a
40 hearing, whether the person has presented previously undiscovered
41 evidence that undermines confidence in the conviction or the death
42 sentence. If necessary, the supreme court may remand the case to
43 the trial court for an evidentiary hearing to consider the new
44 evidence and its effect on the person's conviction and death
45 sentence. The supreme court may not make a determination in the
46 person's favor nor make a decision to remand the case to the trial
47 court for an evidentiary hearing without first providing the

1 attorney general with an opportunity to be heard on the matter.

2 (k) Before a sentence may be imposed under this section, the
3 jury, in a proceeding under subsection (d), or the court, in a
4 proceeding under subsection (f), must find that the state has
5 proved beyond a reasonable doubt that at least one (1) of the
6 aggravating circumstances listed in subsection (a) exists.

7 (l) The state may proceed against a defendant who is alleged to
8 have committed murder and at least one (1) aggravating
9 circumstance described in subsection (a) and in section 9(b) of this
10 chapter. If the state proceeds against a defendant who is alleged to
11 have committed murder and at least one (1) aggravating
12 circumstance described in subsection (a) and in section 9(b) of this
13 chapter, the procedures described in:

14 (1) this section apply to the proceedings concerning the
15 aggravating circumstances described in subsection (a); and

16 (2) section 9 of this chapter apply to the proceedings
17 concerning the aggravating circumstances described in
18 section 9(b) of this chapter.

19 Procedures described in this section and section 9 of this chapter
20 shall be combined if they are not inconsistent with each other.

21 SECTION 19. [EFFECTIVE JULY 1, 2007] (a) IC 33-40-6-5, as
22 amended by this act, applies only to indigent defense services
23 provided after June 30, 2007.

24 (b) IC 35-50-2-9, as amended by this act, and IC 35-50-2-9.5, as
25 added by this act, apply only to crimes committed after June 30,
26 2007."

27 Renumber all SECTIONS consecutively.

(Reference is to ESB 45 as printed April 6, 2007.)

Representative Walorski